VS.

LOWE'S HIW, INC.,

Defendant(s).

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * *

ELLAMAE MYERS-DESCO,)
Plaintiff(s),) Case No. 2:10-cv-1746-RLH-PAL

ORDER

(Motion to Set Bond–#32)

Before the Court is Plaintiffs **Request for Setting of Bond to Stay Enforcement of Judgment Pending Appeal** (#32, filed May 13, 2011). No response or opposition has been filed.

The Court confesses some confusion for the purpose of this Request. Plaintiff's case was dismissed upon a motion to dismiss, for her failure to state a claim upon which relief could be granted. Thereafter, Defendant filed a Bill of Costs in the amount of \$350.00, which was uncontested. Now, Plaintiff asks the Court to set a *supersedeas* bond to stay enforcement of the judgment in the case pending her appeal. This is usually a request by a defendant when there is an actual judgment.

The only "judgment" at issue here would be the assessment of costs, which is not technically a judgment, and the amount of which seems abundantly clear. The Court is not entirely sure of the purpose of this motion. The enforcement of the assessment of costs could be easily stayed by posting a bond in the amount of the costs, *i.e.*, \$350.00. Moreover, it occurs to the Court that it probably would have cost less to pay the costs than to pay an attorney to bring this motion, however, I

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digress. However, Plaintiff does not request approval of a bond in that amount, as is provided in Fed. R. Civ. P. 62(d), rather, she asks the Court to "set" the bond. IT IS THEREFORE ORDERED that the supersedeas bond required in this case is in the amount of \$350.00, and the matter will be stayed upon the depositing or filing of a bond in that amount with the Clerk of Court. Dated: July 8, 2011. Roger L. Hunt United States District Judge